

February 25, 2014

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Steven T. Williams, Esquire
Forry Ullman Attorneys at Law

REVISED FORM NUMBER

Re: Expansion of Liquor License

Dear Mr. Williams:

ISSUE: This is in response to your e-mail sent on January 13, 2014, wherein you advise that you represent a restaurant liquor licensee that is considering expanding its space to the one immediately adjacent to it. This new space would serve as a different restaurant and serve different food, but the ownership would be the same. In addition, the new space would have the same manager and will likely share facilities, such as the rest rooms and kitchen, as well as staff. The two (2) restaurants will be connected on the inside, so that patrons may walk from one (1) restaurant to the other without having to go outside. You ask if the new space would be covered under your client's existing license. You also ask if your client must file an "amendment" to add the new space, and if approval must be obtained before the new space opens.

OPINION: The storage, sale and service of alcoholic beverages is limited to the licensed area(s) only. [47 P.S. § 4-401(a)]. In order to allow storage, sales and service of alcoholic beverages beyond the existing licensed area, a licensee would have to apply for an extension of its licensed premises to cover the additional premises. [40 Pa. Code § 7.21]. Notice of the application for extension of premises must be posted upon the licensed premises in accordance with the Board's Regulations. [40 Pa. Code § 3.13].

The modification of any of the currently licensed areas requires the application for extension of licensed premises by using the form **PLCB-49**: <http://www.lcb.state.pa.us/cons/groups/licensing/documents/form/000360.pdf>

While the application is pending, an area outside the currently-licensed area that is the subject of the application for extension may not be used for the storage, sale or service of alcoholic beverages until your application has been approved.

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THIS OPINION APPLIES ONLY TO THE FACTUAL SITUATION DESCRIBED HEREIN AND DOES NOT INSULATE THE LICENSEE OR OTHERS FROM CONSEQUENCES OF CONDUCT OCCURRING PRIOR TO ITS ISSUANCE. THE PROPRIETY OF THE PROPOSED CONDUCT HAS BEEN ADDRESSED ONLY UNDER THE LIQUOR CODE AND REGULATIONS. THE LAWS AND POLICIES ON WHICH THIS OPINION IS BASED ARE SUBJECT TO CHANGE BY THE LEGISLATURE OR THE PENNSYLVANIA LIQUOR CONTROL BOARD.

Very truly yours,

FAITH S. DIEHL
CHIEF COUNSEL

Enclosure

cc: Pennsylvania State Police,
Bureau of Liquor Control Enforcement
Jerry W. Waters, Director of Office of Regulatory Affairs
Tisha Albert, Director, Bureau of Licensing
Jeffrey Lawrence, Assistant Director, Bureau of Licensing

LCB Advisory Opinion No. 14-032